

ATTORNEY OR PARTY WITHOUT ATTORNEY (name and Address): NO.:   ATTORNEY FOR (Name):	TELEPHONE   <b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA</b> <input type="checkbox"/> <b>LIMITED</b> STREET ADDRESS: <span style="float: right;"><b>CIVIL CASE</b></span> MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME::	
<p style="text-align: center;"><b>MOTION FOR ORDER</b></p> <input type="checkbox"/> <b>SETTING ASIDE DEFAULT</b> <input type="checkbox"/> <b>VACATING DEFAULT JUDGMENT</b> <input type="checkbox"/> <b>STAYING EXECUTION OF JUDGMENT</b> <input type="checkbox"/> <b>EX PARTE</b> <input type="checkbox"/> <b>NOTICED</b>	CASE NUMBER:

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_ Courtroom: \_\_\_\_\_ Date of Filing Complaint: \_\_\_\_\_

**MOTION FOR ORDER SETTING ASIDE DEFAULT/VACATING DEFAULT JUDGMENT**

1. Defendant, \_\_\_\_\_, does hereby move the court pursuant to Code of Civil Procedure section 473 for an order

setting aside the default entered in this action on \_\_\_\_\_

vacating default judgment entered in this action on \_\_\_\_\_

2. Defendant further moves for an order permitting defendant to:

file an Answer, a true and correct copy of which is attached to this motion and incorporated by reference.

appear at a trial on the merits.

3. This motion is brought because the \_\_\_\_\_ default \_\_\_\_\_ default judgment was/were taken against defendant through defendant's:

mistake. Defendant was mistaken as to some material fact or law relating to defendant's duty to respond.

inadvertence. Through oversight defendant failed to timely respond.

surprise. Defendant was prevented from responding due to an unexpected condition or situation which arose, without any default or negligence on his/her part, and which ordinary care could not have prevented.

excusable neglect. Defendant could not have avoided the default using ordinary care.

Short Title	Case Number
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4. Defendant possesses a meritorious defense against the ☐ unlawful detainer ☐ other civil action.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Print Name of Defendant)

\_\_\_\_\_  
(Signature of Defendant)

### MOTION FOR ORDER STAYING EXECUTION

5. Defendant, \_\_\_\_\_, respectfully applies under Code of Civil Procedure section 918 for an order from this court directed to the Sheriff of Ventura County, to plaintiff, and to any other persons acting on behalf of or together with plaintiff, staying execution of the judgment entered in this action on the grounds that:

Defendant would suffer hardship if the judgment were to be executed at this time.

The judgment may be set aside or modified as requested in defendant's motion to vacate default judgment.

The judgment may be set aside or modified in accordance with defendant's motion for a new trial.

The judgment may be set aside or modified in accordance with defendant's motion for judgment notwithstanding the verdict.

The judgment may be set aside or modified in accordance with defendant's motion for relief from forfeiture and restoration of the tenancy under Code of Civil Procedure section 1179.

6. The motion identified above is filed with this application, and is now pending before this Court.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Print Name of Defendant)

\_\_\_\_\_  
(Signature of Defendant)

### DECLARATION

7. I am the defendant in this action. I am asking the court to set aside the ☐ default ☐ default judgment in this case.

8. I did not ☐ file a response to the summons and complaint  
appear at the trial in the case

because I did not receive the summons and complaint until \_\_\_\_\_, and by that time it was too late to file a response.

I did not understand that I had to respond to the plaintiff's papers in five days. I thought weekends and holidays did not count in computing the time. When I tried to file my response at the court, I was told it was too late.

Short Title	Case Number
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I was unable to come to the court because of the following medical emergency: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. I have the following defenses to the eviction  
civil complaint for damages

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_, California.

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\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_

(Signature of Defendant)